

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION

DYNAMIC ADVANCES, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 1:12-cv-1579-DNH-DEP

JURY TRIAL DEMANDED

RENSSELAER POLYTECHNIC INSTITUTE
AND
DYNAMIC ADVANCES, LLC,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Civil Action No. 1:13-cv-633-DNH-DEP

JURY TRIAL DEMANDED

**STIPULATED JOINT REQUEST TO COORDINATE CIVIL ACTIONS
NO. 1:12-CV-1579-DNH-DEP AND NO. 1:13-CV-633-DNH-DEP UNDER RULE 42**

In the interest of conserving party and judicial resources and avoiding unnecessary cost and delay, Rensselaer Polytechnic Institute (“RPI”), Dynamic Advances, LLC, and Apple Inc. jointly request the Court coordinate Civil Action No. 1:12-cv-1579-DNH-DEP with Civil Action No. 1:13-cv-633-DNH-DEP under Rule 42 of the Federal Rules of Civil Procedure as follows:

1. Civil Action No. 1:12-cv-1579-DNH-DEP is dismissed without prejudice and the parties will proceed to litigate their claims and defenses in Civil Action No. 1:13-cv-633-DNH-DEP.

2. All disclosures, discovery, and filings by Dynamic Advances pursuant to the local patent rules in Civil Action No. 1:12-cv-1579-DNH-DEP are hereby deemed to have occurred in Civil Action No. 1:13-cv-633-DNH-DEP as made jointly by both Dynamic Advances and RPI, including all reservations of rights.

3. All disclosures, discovery, and filings made by Apple pursuant to the local patent rules in Civil Action No. 1:12-cv-1579-DNH-DEP are hereby deemed to have occurred in Civil Action No. 1:13-cv-633-DNH-DEP, including all reservations of rights.

4. All discovery in Civil Action No. 1:12-cv-1579-DNH-DEP is hereby deemed served in Civil Action No. 1:13-cv-633-DNH-DEP.

5. All rulings and orders in Civil Action No. 1:12-cv-1579-DNH-DEP are hereby entered in Civil Action No. 1:13-cv-633-DNH-DEP. RPI agrees to be bound by these rulings and orders to the same extent Dynamic Advances is bound by the rulings and orders.

6. Discovery in Civil Action No. 1:13-cv-633-DNH-DEP opens on entry of this stipulation.

7. Third-party discovery, including RPI discovery, in Civil Action No. 1:12-cv-1579-DNH-DEP continues to be third-party discovery, and will not be treated as party discovery, in Civil Action 1:13-cv-633-DNH-DEP.

8. The parties will submit a proposed schedule for claim-construction briefing in Civil Action No. 1:13-cv-633-DNH-DEP within ten business days from entry of this stipulation.

9. The parties will submit proposals for any modifications to the discovery orders or rules in Civil Action No. 1:13-cv-633-DNH-DEP within ten business days from entry of this stipulation.

10. In Civil Action No. 1:13-cv-633-DNH-DEP, Dynamic Advances and RPI agree to be bound to the positions taken by Dynamic Advances in Civil Action No. 1:12-cv-1579-DNH-DEP to the same extent that Dynamic Advances would be in Civil Action No. 1:12-cv-1579-DNH-DEP. In Civil Action No. 1:13-cv-633-DNH-DEP, Apple agrees to be bound to its positions in Civil Action No. 1:12-cv-1579-DNH-DEP to the same extent it would be in Civil Action No. 1:12-cv-1579-DNH-DEP.

Date: July 19, 2013

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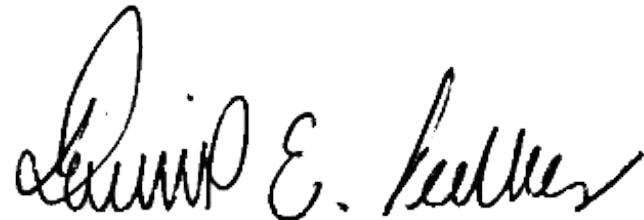
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Counsel for Defendant
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SO ORDERED.

Date: July 22 2013



By: _____
DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE